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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,007	08/21/2006	Oliver Denzler	SMB-PT180 (PC 05 063 B US)	7070
3624	7590	01/23/2009		EXAMINER
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			REIS, RYAN ALEXANDER	
			ART UNIT	PAPER NUMBER
			3752	
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		01/23/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,007	<b>Applicant(s)</b> DENZLER, OLIVER
	<b>Examiner</b> RYAN REIS	<b>Art Unit</b> 3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 November 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-9 and 11-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3, 5-9 and 11-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. In the amendment filed on 11/04/2008, applicant has cancelled claims 4 and 10.

Therefore, claims 1-3, 5-9 and 11-14 are now pending in the application and are addressed below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 5-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,126,093 to Grether et al. (Grether et al. '093) in view of US Patent 6,513,731 to Griffin et al. (Griffin et al.).

As to claim 1, Grether et al. '093 discloses a plumbing spout device comprising a mounting sleeve (5), which is connected to a water spout of a plumbing water spout fitment (see column 6, lines 63-65) via a screw, clip, detent, adhesive, or weld connection, and also with a jet-regulating device (1), with an attachment screen (22) being connected upstream of the jet-regulating device in a direction of flow and with the jet-regulating device being provided as a perforated plate (see column 6, lines 66 and 67 and column 7, line 1) and having a perforated area at least in a partial region thereof, an outflow-side jet-regulating device is arranged on a spout-side sleeve end region of

the mounting sleeve and the jet-regulating device is formed in one piece on the mounting sleeve (see column 7, lines 58-64), the spout device has a contoured outer outline and/or a contoured outflow end side tool attachment surface for a tool insert (see contoured outer outline in Figure 1a). Grether et al. '093 does not expressly disclose the mounting sleeve carrying an external thread, which is adapted to be screwed in an internal thread on the water spout of the plumbing spout fitment.

However, Griffin et al. discloses a mounting sleeve 12 carrying an external thread (30) for the purpose of mounting the device onto a water spout (see column 2, lines 20-21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have added threads to the device of Grether et al. '093 on the exterior of the mounting sleeve as taught by Griffin et al. in order to mount the device to a water spout.

As to claim 2, Grether et al. '093 discloses a screen-like or grating-like insert part or functional element (19) is connected between the attachment screen and the jet-regulating device.

As to claim 6, Grether et al. '093 discloses the attachment screen directly contacts a supply side of the jet-regulating device at least with an outer edge region thereof (see Figure 6).

As to claim 7, Grether et al. '093 discloses the attachment screen has a conical shape (see Figure 6).

As to claim 8, Grether et al. '093 discloses a housing neck (23; see Figure 6) connected downstream of the jet-regulating device on the outlet end of the spout device is provided for forming a jet.

As to claim 9, Grether et al. '093 discloses the jet-regulating device is connected to the mounting sleeve via a weld, adhesive, clip, or screw connection (jet-regulating device is clipped in using a ring flange on the mounting sleeve and a spacer).

As to claim 11, Grether et al. '093 discloses the outflow end side of a spout device has contouring formed from end-edge projections and recesses (see Figure 1a), such that the recesses of the spout device held in a spout fitment are used as tool attachment surfaces for the projections of another spout device that can be used as a tool insert (recesses in outer contour can be used to attach a tool insert).

As to claim 12, Grether et al. '093 discloses the perforated area of the jet-regulating device formed as the perforated plate has a honeycomb-like structure (see column 7, lines 1-4).

As to claim 13, Grether et al. '093 discloses the perforated area of the jet-regulating device is divided by approximately radial longitudinal walls and approximately concentric peripheral walls into approximately circular segment-like throughput holes (see Figure 7).

As to claim 14, Grether et al. '093 discloses the spout device is embodied as a jet regulator, jet disrupter, or flow straightener (see abstract).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,126,093 to Grether et al. '093 in view of US Patent 6,513,731 to Griffin et al. as applied to claim 1 above, and further in view of US Patent 6,152,182 to Grether et al. (Grether et al. '182).

As to claim 3, Grether et al. '093 as modified by Griffin et al. discloses the claimed invention above except for the attachment screen being connected directly upstream of the jet-regulating device without an intermediate connection of other installation parts or functional units.

However, Grether et al. '182 discloses an attachment screen (15) connected directly upstream of a jet-regulating device (6) without intermediate functional units for the purpose of having the fluid flow go through the jet-regulating device immediately following the attachment screen.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have made the device of Grether et al. '093 with the attachment screen connected directly upstream of the jet-regulating device as taught by Grether et al. '182 in order to have the fluid flow go through the jet-regulating device immediately following the attachment screen.

***Response to Arguments***

5. Applicant's arguments filed 11/04/2008 have been fully considered but they are not persuasive.

Applicant argues that the Grether et al. '093 reference does not show a mounting sleeve having an external thread which is connected to a water spout having an internal thread. The examiner maintains that the limitation is taught by the Griffin et al. reference and obvious to combine with the Grether et al. '093 reference as seen in the rejection of claim 1 above.

Applicant argues that the Grether et al. '093 reference does not show a contoured outer outline. The examiner respectfully disagrees. Figure 1a shows a contoured outer outline on the spout device.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN REIS whose telephone number is (571)270-5060. The examiner can normally be reached on Monday through Friday 8:00am to 6:00pm EST.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3752

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RR/

Examiner, Art Unit 3752

/Len Tran/

Supervisory Patent Examiner, Art Unit 3752